IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

LLOYD WHITE,	§	
Plaintiff,	& & &	SA-19-CV-00530-OLG
vs.	§ 8	
STERLING FOODS, MRS. TERESA	§	
LNU, ADMINISTRATOR; JAVIER PATTON, DR. NICK LNU, HR	§ §	
DIRECTOR; JUANITA GARZA, IRMA	§	
GARZA,	8 8	
Defendants.	§	

ORDER

Before the Court is the above-styled cause of action, in which all pretrial matters have been referred to the undersigned for disposition pursuant to Rules CV-72 and 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. The undersigned has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A).

The record reflects that on June 5, 2019, the Court granted Plaintiff's motion to proceed *in forma pauperis* but ordered that Plaintiff file a more definite statement to clarify whether Plaintiff timely filed this lawsuit within 90 days of receiving his right-to-sue letter from the EEOC [#4]. The Court ordered that Plaintiff's Complaint be filed but that service be withheld pending the Court's review of the more definite statement. After receiving a continuance, Plaintiff filed his more definite statement as ordered on July 29, 2019 [#8].

Although Plaintiff alleges that he received the EEOC's right-to-sue letter on January 29, 2019, which would render his lawsuit untimely, the EEOC right-to-sue letter attached to Plaintiff's more definite statement is dated July 12, 2019. (More Definite Statement [#8] at 42.)

This document suggests that at the time he filed his lawsuit, Plaintiff had filed his EEOC charge but had not yet received a letter informing him of his right to sue. If a right-to-sue letter has not yet been issued at the time a plaintiff files suit, the plaintiff is permitted to demand a letter from the EEOC so he can be proceed with his suit. *Neal v. IAM Local Lodge 2386*, 722 F.2d 247, 250 (5th Cir. 1984). Accordingly, Plaintiff's pleadings do not conclusively establish that his Complaint is untimely, and the Court will order that Plaintiff's Complaint be served on the named Defendants in this lawsuit.

IT IS FURTHER ORDERED that, if not already accomplished, within ten (10) days of the date of this Order, Plaintiff shall submit to the Clerk's Office a fully completed United States Marshal Service Form 285, including fully complete addresses, for each Defendant required to be served and the United States Marshal's Service shall serve each Defendant with a copy of the Complaint and a copy of this order by certified mail, return receipt requested.

SIGNED this 6th day of August, 2019.

ELIZABETH S. ("BETSY") CHESTNEY UNITED STATES MAGISTRATE JUDGI